

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

MARYLAND CASUALTY COMPANY

PLAINTIFF/  
COUNTERDEFENDANT

VS.

CIVIL ACTION NO. 4:06CV59TSL-JMR

LAB DISCOUNT DRUG, INC., ET AL.

DEFENDANTS/  
COUNTERCLAIMANTS

**FINAL JUDGMENT AS TO CLAIMS OF MARYLAND  
CASUALTY COMPANY AND COUNTERCLAIM OF  
LAB DISCOUNT DRUG, INC., WARREN E. HUTTO  
AND PATRICIA HUTTO**

This action having come on for hearing on the motion of Plaintiff, Maryland Casualty Company, for summary judgment, and the issues having been duly heard and the Court finding that the motion for summary judgment should be granted for the reasons stated in this Court's Memorandum Opinion and Order dated November 15, 2006, which is hereby incorporated by reference,

IT IS THEREFORE ORDERED AND ADJUDGED as follows:

(1) Declaratory judgment of no coverage and no duty to defend any defendant in any of the six underlying suits identified in footnote 2 of this Court's November 15, 2006 Memorandum Opinion and Order is hereby granted to and entered for Maryland Casualty Company;

(2) Judgment is also granted to and entered for counterdefendant Maryland Casualty Company on the Counterclaim filed by LAB Discount Drug, Inc., Warren E. Hutto and Patricia

Hutto, which requested a declaratory judgment of defense and indemnity under Maryland Casualty Company's policy for the six underlying suits;

(3) Although this judgment does not dispose of the Cross-Claim filed by LAB Discount Drug, Inc., Warren E. Hutto and Patricia Hutto against K.W., a minor, Bonnie Mary Riles and Christal Webb Blackwell, the Court determines that pursuant to Fed. R. Civ. P. 54(b) there is no just reason for delay of the entry of final judgment on the Complaint of Maryland Casualty Company and the Counterclaim of LAB Discount Drug, Inc., as described in paragraphs (1) and (2) above, and final judgment is hereby entered for Maryland Casualty Company on its Complaint and on such Counterclaim.

(4) Maryland Casualty Company is awarded its taxable court costs against defendants herein.

SO ORDERED AND ADJUDGED, this the 27<sup>th</sup> day of November, 2006.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE